

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

UNITED STATES OF AMERICA

Plaintiff,

V.

ANDRE KING

Defendant.

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) No. 4:18 CR 618 JAR/JMB  
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## SENTENCING MEMORANDUM AND REQUEST FOR DOWNWARD VARIANCE

ANDRE KING, through his attorney, Robert C. Wolfrum, Assistant Federal Public Defender, requests that the Court consider the matters contained in this memorandum concerning sentencing in fashioning a sentence in this matter. While the Court's discretion to vary downward in this matter is constrained by the mandatory minimum sentence as to Count IV, the Court does have the ability to vary below guidelines on the count of carjacking to which the defendant pled guilty. Additionally, Defendant Andre King requests that the Court run the sentence in this case concurrent with any state sentence that may be imposed in the case cited in paragraph 45 in light of the matters cited below.<sup>1</sup> As reasons for these requests, the defense states the following:

The presentence investigation does say that “[t]he Court may wish to consider if the history and characteristics of the defendant warrant a downward variance.” Paragraph 96. Those aspects of his “history and characteristics” include that he has no prior convictions, that he is only 21 years of age, that he suffered from a learning disability and emotional disturbance while in school, that he had little contact with his father during his childhood, that his family suffered financially, and that his uncle and brother

<sup>1</sup> All paragraph references are to the disclosure presentence investigation.

frequently used drugs in the home during his childhood. The report states that Andre was in special education classes in school, with a learning disability in basic reading skills and comprehension. The report also notes that his mother, who raised Andre, has suffered multiple heart attacks.

In spite of the difficulties he has faced, Andre has taken some actions which show initiative and a desire to improve himself.

At the time of his arrest Andre was taking GED classes at the St. Louis City Youthbuild program. Since his incarceration, he has continued to take classes and study for his GED. GED classes at the Justice Center meet from Monday through Thursday. His focus is on math and reading.

He has also attended and participated in mental health and drug counseling at the City Justice Center where he has been held since his arrest. At those weekly meetings participants discuss mental health and substance abuse issues. Drug avoidance and coping skills are also discussed.

Andre has also been given a job cleaning at the City Justice Center.

He also attends church and Bible study at the City Justice Center.

Prior to his arrest, Andre had employment at Golden Corral, Bailey's Chocolate Bar, and Schnuck's Culinaria.

He indicated to the author of the presentence investigation, he is interested in vocational, occupational, and/or apprenticeship training in the Bureau of Prisons during any period of incarceration. He is especially interested in classes in construction and business. He wants to get hands on experience and training.

Andre's criminal history score is zero. He has no prior convictions for either felonies or misdemeanors. The sentence that this Court imposes will be the first he has ever been ordered to serve.

In the year since his arrest for this case, Andre has had time to reflect. He regrets his involvement in this case and his conduct. He understands the effect his conduct had on others. He feels that before his

arrest in this case he had a foot in each of two different lifestyles, one productive and positive (education, employment), the other the one that led to his involvement in this offense. To use Andre's words, he wants, in the future, to go "full force" in a positive and productive direction.

Being filed at the same time as this memorandum are sentencing letters from Andre's mother (Annette Rogers), his aunt (Marian Lockhart), his brother (John Wilbourn), sister (Ashley Sain), Janine Daniels (Youthbuild Program Case Manager), and Allen Perkins (Youthbuild Program Coordinator) .

BY REASON OF THE FOREGOING, the defense requests that the Court consider some downward variance when imposing a sentence in this case.

Respectfully submitted,

/s/Robert C. Wolfrum  
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ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that on June 2, 2019, the foregoing was filed electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Paul D'Agrosa, Assistant United States Attorney.

/s/Robert C. Wolfrum  
ROBERT C. WOLFRUM  
Assistant Federal Public Defender